

1 SENATE BILL NO. 269

2 INTRODUCED BY W. MCNUTT, BALES, COLE, DEVLIN, HEDGES, R. HOLDEN, KASTEN, KITZENBERG,
3 LENHART, LINDEEN, MATTHEWS, NELSON, PATTISON, SMITH, STEINBEISSER, ZOOK

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN DATES FOR TRANSITION TO CUSTOMER
6 CHOICE FOR ELECTRICITY SUPPLY; AMENDING SECTION 69-8-201, MCA; AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 69-8-201, MCA, is amended to read:

12 **"69-8-201. Public utility -- transition to customer choice -- waiver.** (1) A public utility shall, except
13 as provided in this section, adhere to the following deadlines:

14 (a) ~~On or before July 1, 1998, all~~ All customers with individual loads greater than 1,000 kilowatts
15 and for loads of the same customer with individual loads at a meter greater than 300 kilowatts that
16 aggregate to 1,000 kilowatts or greater must have the opportunity to choose an electricity supplier.

17 (b) Subject to subsection (2), and as soon as is administratively feasible but before July 1, 2002,
18 all other public utility customers must have the opportunity to choose an electricity supplier.

19 (2) (a) Except as provided for in subsection (4), the commission may determine that additional time
20 is necessary for customers identified in subsection (1)(b); however, the implementation of full customer
21 choice may not be delayed beyond July 1, 2004.

22 (b) A determination by the commission that additional time is necessary for subsection (1)(b)
23 customers must be made at least 60 days in advance of the scheduled date and must be based on one
24 or more of the following considerations:

- 25 (i) implementation would not be administratively feasible;
- 26 (ii) implementation would materially affect the reliability of the electric system; or
- 27 (iii) Montana customers or electricity suppliers would be disadvantaged due to lack of a competitive
28 electricity supply market.

29 (3) The commission shall designate the public utility or one or more default suppliers to provide
30 regulated default service for those small customers of a public utility that are not being served by a

1 competitive electricity supplier. The transition advisory committee shall review and address the need for
2 continued default supply service and make recommendation to the 57th legislature.

3 (4) Except as provided in 69-5-101, 69-5-102, 69-5-104 through 69-5-112, and 69-8-402, a
4 public utility currently doing business in Montana as part of a single integrated multistate operation, no
5 portion of which lies within the basin of the Columbia River, may:

6 ~~——(a) defer compliance with this chapter until a time that the public utility can reasonably implement
7 customer choice in the state of the public utility's primary service territory, except that the public utility
8 shall file a transition plan pursuant to 69-8-202 to provide transition to customer choice on or before July
9 1, 2002, and must have completed the transition period to customer choice by July 1, 2006; and~~

10 ~~——(b) petition the commission to delay the public utility's transition plan filing until July 1, 2004.~~

11 (5) Upon a request from a public utility with fewer than 50 customers, the commission shall waive
12 compliance with the requirements of 69-8-104, 69-8-202 through 69-8-204, 69-8-208 through 69-8-211,
13 69-8-402, and this section."

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15 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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